

Remarks

Claims 1-18 were in the application as examined. Claims 11-13 and 15-18 are considered withdrawn as being drawn to a nonelected species. By the foregoing amendments, claims 1 and 7 are amended without prejudice and new claims 19-24 are added. No new matter is added by the amendments, and further examination and consideration of claims 1-24 is respectfully requested in view of the foregoing amendment and the following remarks.

Rejections under §103

Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,516,611 to Piggott in view of U.S. Patent No. 5,701,934 to Kuran et al. The rejection is respectfully traversed.

Substituting the ceramic disks of Kuran et al. for the two plates 23 and 24 of Piggott, as suggested by the Examiner, would not reach the invention. Claim 1 as amended requires an inlet and an outlet for connecting to another device. Both Piggott and Kuran disclose valves with multiple flow outlets only. Applicant's invention is a diverter that diverts fluid flow through an outlet to another device and recaptures that flow through a second inlet for further flow through the diverter. Consequently, the flow passages through the inventive valve are more complex than a simple nozzle. Piggott discloses four nozzle tips 29 as different outlets and Kuran discloses two outlets 30 and 72. Neither discloses a second inlet. Moreover, neither Piggott nor Kuran disclose structure that enables one to selectively cause fluid to flow through the device, to bypass the device, and to flow through the flow passages in the accessory case. Claim 1 is thus distinguishable from the alleged combination and therefore patentable. And because claim 5 depends from claim 1, it is patentable for the same reasons.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,516,611 to Piggott in view of U.S. Patent No. 5,701,934 to Kuran et al., and further in view of U.S. Patent No. 4,534,512 to Chow et al. The rejection is respectfully traversed.

Claim 6 depends indirectly from claim 1 and is therefore patentable for the same reasons that claim 1 is patentable. Chow et al. discloses nothing more relevant to the invention than is

already disclosed in Piggott and Kuran. Chow is cited for its disclosure of an aerated flow nozzle, a feature already disclosed at 72 in Kuran. Chow is nothing more than a nozzle for adjusting outlet flow through multiple outlets, similar to Piggott and Kuran that show outlet flow through different outlets. Nothing in the cited references suggests a diverter valve of the invention that includes a second inlet with its more complex internal flow structure.

Claims 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,516,611 to Piggott in view of U.S. Patent No. 5,701,934 to Kuran et al., and further in view of U.S. Patent No. 5,520,216 to d'Agostino et al. The rejection is respectfully traversed.

Claims 7 and 8 depend directly or indirectly from claim 1 and are therefore patentable for the same reasons as claim 1. The structure disclosed in d'Agostino balances the forces acting axially on the rotary valve member. (Col. 4, ll. 16-20) In contrast, claim 7 requires that some of the flow passages in the housing and the accessory case be configured and oriented radially to substantially balance hydraulic pressures radially across the ceramic plates. Nothing in d'Agostino is concerned about radial balancing because there are not two discs to keep for separating and causing leakage. Because the elements of claim 7 are not found in the alleged combination, claim 7 is patentable over the cited art. And because claim 8 depends from claim 7, it is likewise patentable for the same reasons. Moreover, claim 8 requires a flow passage open to and parallel to the first ceramic plate, a feature not disclosed or suggested by d'Agostino. Claim 8 is therefore also patentable.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,516,611 to Piggott in view of U.S. Patent No. 5,701,934 to Kuran et al., and further in view of U.S. Patent No. 5,275,206 to Acker. The rejection is respectfully traversed.

Claims 9 and 10 depend directly or indirectly from claim 1 and are therefore patentable for the same reasons as claim 1. Acker adds nothing to show the type of diverter claimed.

Objections

Claim 2-5 and 14 are objected to as being dependant upon a rejected base claim but otherwise allowable. While Applicants acknowledge with thanks the Examiner's determination of allowability, it is believed that claims 2-4 and 14 are allowable without further amendment in view of the foregoing remarks.

Moreover, since claim 1 is a generic claim that is believed to be patentable over the art of record, and claims 11-13 and 15-18 depend from claim, further consideration of the withdrawn claims is respectfully requested.

In addition, Applicants have added new claims 19-24 which are, in effect, claims 2-5 and 14 rewritten into patentable form.

Conclusion

For the reasons discussed above, claims 1-24 are allowable over the prior art. If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is respectfully invited to contact the undersigned. Early notification of the allowability is respectfully requested. Any questions concerning the foregoing can be directed to the undersigned.

Respectfully submitted,

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